

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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K.L., et al.,

Plaintiffs,

v.

No. CIV 93-1350 BB/LCS

J. ALEX VALDEZ, et al.,

Defendants

**MEMORANDUM OPINION**  
**AND**  
**ORDER OF DISMISSAL**

THIS MATTER is before the Court on Defendants' Suggestion of Mootness & Motion to Dismiss the guardian of A.S. as a party on the grounds that A.S. is no longer a minor and no longer in State custody. The Court FINDS the motion is well taken and it will be Granted.

**Discussion**

Plaintiffs brought this case as "children with mental and/or developmental disabilities who are in the custody of the State of New Mexico or who are known to the State as a result of allegations of abuse and/or neglect." Second Am. Compl., at 2, ¶ 2. Plaintiffs' complaint did not assert specific claims or damages on behalf of the individual Plaintiffs. Indeed, Plaintiffs sought only declaratory and injunctive relief with a prospective impact. Second Am. Compl. at 41-42, Prayer for Relief.

Counsel for the Plaintiff argues that "A.S. has treatable mental disorders." Pl.'s Resp. at 2. However, A.S. has now reached the age of majority and is no longer in State custody. Any contact he has with the State in the future will be as an adult, not as a child. Therefore, that contact, if it occurs, will involve facilities and programs designed and appropriate for adults, not juveniles. This action has never involved allegations of deficiencies in State programs for adults and thus would provide no avenue for an investigation of the quality of any such services or any relief against such State agencies.

**ORDER**

For the above stated reasons, the motion to dismiss A.S. as a party [#572] is **GRANTED**. Since A.S. is the last remaining Plaintiff, this case is **DISMISSED**.

DATED at Albuquerque this 4<sup>th</sup> day of September, 1998.

  
BRUCE D. BLACK  
United States District Judge

Counsel for Plaintiff:  
Peter Cubra, Albuquerque, NM

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